

DRAFT SECOND READING SPEECH

HON ROGER JAENSCH MP

Environmental Management and Pollution Control Amendment Bill

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Mr Speaker, I move that the Bill now be read a second time.

The purpose of the Bill is to further the independence of the State's Environment Protection Authority, improve public access to environmental monitoring information, and modernise environmental regulation of the State's major industries.

A modern and transparent regulatory system is important to Tasmania's economy and future prosperity and provides certainty for businesses and the community.

The Bill, if enacted, will play an important role in protecting Tasmania's environment. It will also mean the public can have greater confidence in activities that use the State's natural resources, and oversight of those activities.

Mr Speaker, the Bill achieves its purpose in three ways.

Firstly, it completes the legal separation of the Environment Protection Authority, or EPA, from the Department of Natural Resources and Environment Tasmania and provides certainty regarding the independent role of the Director.

Independent and robust environmental assessment and regulation is an essential part of Tasmania's planning and approvals system through the Resource Management and Planning System. These changes will foster public confidence in environmental regulation in Tasmania, and promote certainty for proponents.

Secondly, the Bill provides the Director of the EPA with powers to release environmental monitoring information, which will improve transparency and allow public scrutiny of important information about the environmental effects of industries operating in Tasmania's environment, further supporting public confidence in Tasmania's environmental regulatory system.

Thirdly, the Bill allows the creation of a new statutory instrument, the Environmental Standard, which can be used to set out the environmental management requirements for environmentally significant industries and pollutants.

In addition, the Bill allows for the Director of the EPA to make supporting Technical Standards to describe acceptable modern practices for environmental monitoring and related activities.

Separation of the EPA

The sections of the Bill that relate to separation of the EPA include some significant changes to confirm the independence of the Authority.

For example, the Minister's Statement of Expectation to the EPA Board will be reviewed after a maximum of 5 years, but the Bill also includes a provision allowing the Statement to be reviewed by the Minister at any time, should the need arise.

Related provisions require a Statement of Expectation to be consistent with other provisions in the Act and to explain how it supports the intent of the Act.

Importantly, the Bill also clarifies that the Director EPA, within the scope of their functions and powers, is to act without direction from anyone, including the Minister.

Release of monitoring information

Mr Speaker, the Bill proposes that the Director be able to release any relevant environmental monitoring information collected and provided by the holder of an environmental licence or permit, with or without the permission of the person or body who provided the information.

In this context, 'relevant information' means any test or measurement results, reports of environmental condition, photographs or audio/visual recordings required under that licence or permit. It is important that where the operation of a business is having an effect on the environment, the Director has the powers to make this information publicly available.

The Bill includes an important safeguard requiring the Director to consider whether any relevant information relating to the business affairs of a person would be exempt within the meaning of the *Right to Information Act 2009*. This is important because it ensures consistency between the RTI Act and the act amended by this Bill. Exemptions include matters such as business affairs of a third party, disclosure of personal information and information obtained in confidence.

Environmental Standards

Mr Speaker, the Government is developing a new 10-Year Salmon Plan, to be enacted in 2023. One of the guiding principles of the Plan is strict independent regulation.

It is therefore my intention that the first Environmental Standard prepared under this proposed new legislation will be for marine finfish farming, which is a vital part of the State's economy and needs strict, contemporary regulatory management.

But this is only one potential application of the Environmental Standard.

The Environmental Standard may also, for example, be the mechanism by which Tasmania meets its commitment to implement the Commonwealth's *Industrial Chemicals Environmental Management (Register) Act 2021* as part of the Tasmanian regulatory framework, thereby ensuring a nationally-consistent approach to the environmental management of industrial chemicals.

The Government may also explore the possibility of an Environmental Standard for waste management in Tasmania that may include provisions for the management of controlled wastes and disposal of tyres.

In terms of content, the Bill allows an Environmental Standard to contain provisions relating to scope, administration, Technical Standards, conditions or restrictions on a permit or other instrument, functions and powers of the Director and Board, and offences.

The Ministerial powers to make Environmental Standards are significant and require an appropriate level of oversight. I have therefore ensured that draft Standards, amendments and revocations must go through a formal consultation and public advice process, with Standards to be tabled in both Houses of Parliament, where

they will be subject to the disallowance provisions of the *Acts Interpretation Act 1931*.

I intend to include these and any other requirements of the Director and Board in a new Statement of Expectation, if the Bill is enacted.

In conclusion, it is important that Tasmanian industries have certainty about their operating conditions, and it is also important that the public has confidence in the EPA's role as an independent regulator and manager of environmental monitoring information.

The Bill provides the legal foundation for a contemporary, pro-active approach to these matters, in line with equivalent national legislation.

Mr Speaker, I commend the Bill to the House.